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9 **BEFORE THE**
RESPIRATORY CARE BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. R-2058

13 SHANNON V. GLOVER
38620 Puerta Avenue
14 Palmdale, California 93550

A C C U S A T I O N

15 Respiratory Care Practitioner License No. 23372

16 Respondent.
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19 Complainant alleges:

20 **PARTIES**

21 1. Stephanie Nunez (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Respiratory Care Board of California (Board),
23 Department of Consumer Affairs.
24 2. On or about December 11, 2003, the Board issued Respiratory Care
25 Practitioner License Number 23372 to Shannon V. Glover (Respondent). This license was in full
26 force and effect at all times relevant to the charges brought herein and will expire on August 31,
27 2008, unless renewed.
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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3710 of the Code states: “The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act].”

5. Section 3718 of the Code states: “The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter.”

6. Section 3750 of the Code states:

“The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

“ . . .

“(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

“”

7. Section 3752 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of any offense which substantially relates to the qualifications, functions, or duties of a respiratory care practitioner is deemed to be a conviction within the meaning of this article. The board shall order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the

1 accusation, information, or indictment.”

2 8. Section 490 of the Code states:

3 “A board may suspend or revoke a license on the ground that the licensee has
4 been convicted of a crime, if the crime is substantially related to the qualifications,
5 functions, or duties of the business or profession for which the license was issued. A
6 conviction within the meaning of this section means a plea or verdict of guilty or a
7 conviction following a plea of nolo contendere. Any action which a board is permitted to
8 take following the establishment of a conviction may be taken when the time for appeal
9 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order
10 granting probation is made suspending the imposition of sentence, irrespective of a
11 subsequent order under the provisions of Section 1203.4 of the Penal Code.”

12 9. Section 3752.5 of the Code states:

13 “For purposes of Division 1.5 (commencing with Section 475), and this chapter
14 [the Respiratory Care Practice Act], a crime involving bodily injury or attempted bodily
15 injury shall be considered a crime substantially related to the qualifications, functions, or
16 duties of a respiratory care practitioner.”

17 COST RECOVERY

18 10. Section 3753.5, subdivision (a) of the Code states:

19 "In any order issued in resolution of a disciplinary proceeding before the board,
20 the board or the administrative law judge may direct any practitioner or applicant found to
21 have committed a violation or violations of law to pay to the board a sum not to exceed
22 the costs of the investigation and prosecution of the case."

23 11. Section 3753.7 of the Code states:

24 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall
25 include attorney general or other prosecuting attorney fees, expert witness fees, and other
26 administrative, filing, and service fees."

27 12. Section 3753.1, subdivision (a) of the Code states:

28 "An administrative disciplinary decision imposing terms of probation may

1 include, among other things, a requirement that the licensee-probationer pay the monetary
2 costs associated with monitoring the probation."

3 CAUSE FOR DISCIPLINE

4 (Conviction of a Crime)

5 13. Respondent is subject to disciplinary action under sections 3750,
6 subdivision (d), 3752, 3752.5, and 490 of the Code in that he was convicted of a crime
7 substantially related to the qualifications, functions or duties of a respiratory care practitioner.
8 The circumstances are as follows:

9 A. On or about January 26, 2006, a Los Angeles County deputy sheriff
10 responded to a call regarding a domestic violence incident at Respondent's residence.
11 Respondent had become very angry that his thirteen year old step-daughter was wearing
12 his wife's jacket. When the step-daughter refused to take off the jacket, Respondent
13 grabbed her by the neck, pinned her in a corner against the wall, and tried to remove the
14 jacket. Respondent scratched his step-daughter's neck causing her to sustain a two-inch
15 laceration. When his wife came to the aid of her daughter, Respondent pushed his wife to
16 the floor. He continued to push his wife down the hall and into their bedroom, where he
17 again pushed her to the floor. Respondent's step-daughter called 911. The step-daughter
18 told the officers that a similar incident had occurred in October 2005, in which
19 Respondent had grabbed her throat.

20 B. On or about January 27, 2006, in Los Angeles County Superior Court,
21 Complaint No. 6AV00561, Respondent was charged with cruelty to a child by inflicting
22 injury, in violation of Penal Code section 273a(b), a misdemeanor (Count 1), and battery
23 against a spouse, in violation of Penal Code section 243(e)(1), a misdemeanor (Count 2).

24 C. On or about January 30, 2006, pursuant to a negotiated plea agreement,
25 Respondent was convicted upon his plea of nolo contendere to cruelty to a child by
26 inflicting injury (Count 1). Proceedings were suspended, and Respondent was placed on
27 probation for three years on a number of terms and conditions, among others: serve 7
28 days in county jail (with credit for 7 days); pay an assessment of \$20.00, and a restitution

1 fine of \$100.00; and complete a 6-month parental counseling program. Pursuant to the
2 negotiated plea agreement, Count 2 of the complaint was dismissed.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

- 6 1. Revoking or suspending Respiratory Care Practitioner License Number
7 23372, issued to Shannon V. Glover;
- 8 2. Ordering Shannon V. Glover to pay the Respiratory Care Board the costs
9 of the investigation and enforcement of this case, and if placed on probation, the costs of
10 probation monitoring; and
- 11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: March 2, 2007

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15 Original signed by Liane Zimmerman for:
16 STEPHANIE NUNEZ
17 Executive Officer
18 Respiratory Care Board of California
19 Department of Consumer Affairs
20 State of California
21 Complainant
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